

Appl. No. : 10/705,548
Filed : November 10, 2003

REMARKS

The Office Action mailed on May 18, 2006 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-31 are currently pending in the instant application. New claim 32 is respectfully submitted for consideration by the Examiner. No new matter is contained in new claim 32. Applicants gratefully acknowledge the Examiner's allowance of claims 22-24 and the allowability of claims 2, 5-8, 11, 13-17, and 28-31 if rewritten in independent form. Claims 1, 3, 4, 9, 10, 12, 18-21, 25-27 stand rejected 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,018,409 ("Glick"). Applicants respectfully traverse the rejection. Claims 1, 9, 18, 20, and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claims 1, 9, 18, 20, and 25 have been amended by deleting "at least" from the phrase "less than at least about".

The undersigned wishes to thank the Examiner for the telephonic interview held on July 27, 2006 and for clarifying his position with regards to the current rejection over Glick. While maintaining that all the claims submitted in the response filed on February 15, 2006 are patentably distinct over Glick, Applicants have amended the independent claims 1, 12, 25 to include the limitation that light entering an entire optic from a distant point source either is focused to substantially a single point or substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length. Such language merely clarifies that the claims are directed to monofocal intraocular lenses and, therefore, does not limit the scope over the previous versions of independent claims 1, 12, 25.

Claims 27-30 have been cancelled since they are substantially similar to other claims within the pending set of claims.

The Examiner has indicated that claim 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 31 has been amended to incorporate the limitations of cancelled independent claim 27. Applicants respectfully request the Examiner to indicate that amended claim 31 is allowable.

New independent claim 32 has been added for consideration by the Examiner. Claim 32 is similar to claim 12, except that the limitation "focused to substantially a single point" is replaced

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by "falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length". Both phrases are supported by the specification as filed.

Claims 1, 3, 4, 9, 10, 12, 18-21, 25-27 Are Not Anticipated by Glick.

Claims 1, 3, 4, 9, 10, 12, 18-21, 25-27 stand rejected 35 U.S.C. § 102(e) as being anticipated by Glick. Applicants respectfully traverse the rejection.

Glick teaches an intraocular lens that combines accommodating movement and lens body with multifocal characteristics to provide substantially enhanced performance, for example, relative to a spherical, monofocal IOL adapted for accommodating movement or an aspheric IOL located in a substantially fixed position within the eye. Glick, column 5, lines 53-59. By contrast, independent claims 1, 12, 22, 25, and 31, and new claim 32, are directed to multi-zonal, monofocal intraocular lenses comprising, in pertinent part, an optic having an having zones that are disposed such that light entering the entire optic from a distant point source is either focused to substantially a single point or substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length.

At least because Glick does not teach or suggest all of the limitations of claims 1, 12, and 25 as amended and new claim 32, Applicants request the Examiner to indicate that claims 1, 12, 25, and 32 are allowable. Claims 3, 4, 9, 10, 18-21, and 26 depend from one of claims 1, 12, and 25 and further define the invention of claims 1, 12, and 25. Thus, claims 3, 4, 9, 10, 18-21, and 26 are patentable over Glick at least for the same reasons that claims 1, 12, and 25 are patentable thereover, and are patentable in their own right as well.

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CONCLUSION

For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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